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6 Attorneys for Defendants
7 Nationwide Mutual Insurance Company; Allied
8 Insurance Group, Inc.; and AMCO Insurance
9 Company

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 FLYING V, LLC, a California Limited
13 Liability Company, MARSH'S
14 CARPETS, INC., a California
15 Corporation,

16 Plaintiffs,

17 v.

18 NATIONWIDE MUTUAL
19 INSURANCE COMPANY; ALLIED
20 INSURANCE GROUP, INC.; and
21 AMCO INSURANCE COMPANY; and
22 DOES 1-100, inclusive,

23 Defendants.

Case No. 2:20-CV-02370-MCE-AC

**STIPULATION AND ORDER
SETTING BRIEFING
SCHEDULE FOR MOTION TO
REMAND AND EXTENDING
TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT**

Judge: Hon. Morrison C. England, Jr.

Complaint Filed: October 29, 2020

Pursuant to Civil Local Rule 143, Defendants Nationwide Mutual Insurance Company; Allied Insurance Group, Inc.; and AMCO Insurance Company (“Defendants”) and Plaintiff Flying V, LLC and Marsh’s Carpets, Inc.

(“Plaintiffs”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff served its Complaint (“Complaint”) on Nationwide, AMCO and Allied [Dkt. 1];

WHEREAS, Defendants timely removed this action from the Superior Court, for the County of Sacramento to this Court on November 27, 2020;

WHEREAS, Plaintiff anticipates filing a motion to remand this action to the State Court within thirty (30) days after the filing of the Notice of Removal (*i.e.*, by December 28, 2020);

WHEREAS, pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants’ current deadline to respond to Plaintiffs’ Complaint is December 4, 2020;

WHEREAS, no extensions of time have previously been obtained by the parties;

WHEREAS, the parties agree that it would result in the needless expenditure of private and judicial resources for any defendant to respond to the complaint until after the motion for remand is decided and it is known whether this case will proceed in this Court or in State Court;

IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the parties, that Defendants’ obligation to answer, move or otherwise respond to the complaint is stayed pending resolution of any motion to remand. If the Court denies the motion to remand, the parties agree that Defendants’ obligation to answer, move or otherwise respond to the complaint shall be extended 21 days after the date the Court issues said order, or 21 days after plaintiff files an amended

1 complaint as set forth in the Court's Initial Pretrial Scheduling Order. If the Court
2 grants the motion to remand, the parties agree that defendants' obligation to answer,
3 move or otherwise respond to the complaint shall be extended 21 days after the
4 State Court receives the case on remand.

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6 Dated: December 2, 2020

Squire Patton Boggs (US) LLP

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8 By: /s/ G. David Godwin

G. David Godwin
Attorneys for Defendants
Nationwide Mutual Insurance
Company; Allied Insurance Group,
Inc.; and AMCO Insurance
Company

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13 Dated: December 2, 2020

Desmond, Nolan, Livaich & Cunningham

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15 By: /s/ Brian Manning (as authorized on
16 12/2/2020)

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Attorneys for Plaintiffs Flying V, LLC
and Marsh's Carpets, Inc.

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21 IT IS SO ORDERED.

22 Dated: December 7, 2020

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MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE